

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:

Spaich, 0:16-cv-04360-JNE-FLN
Manzanares, 0:16-cv-04381-JNE-FLN
Harkleroad, 0:16-cv-01986-JNE-FLN
Hurst, 0:16-cv-02083-JNE-FLN
Bryson, 0:16-cv-02936-JNE-FLN
Kaelin, 0:16-cv-03058-JNE-FLN

**DECLARATION OF
BENJAMIN W. HULSE IN SUPPORT
OF DEFENDANTS' MOTION TO
DISMISS FOR FAILURE TO
COMPLY WITH PRETRIAL ORDER
NO. 14**

Under 28 U.S.C. § 1746, I, Benjamin W. Hulse, hereby declare as follows:

1. I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company (“3M”) and Arizant Healthcare Inc. (“Arizant”) (collectively “Defendants”) in this litigation. I submit this declaration in support of Defendants’ Motion to Dismiss for Failure to Comply with Pretrial Order No. 14. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

2. Attached as Exhibit A is a true and correct copy of my April 14, 2017 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets” and “Defendants’ PFS List 2: Plaintiffs Who Have Not Responded to Defendants’ Deficiency Notices” attached to same.

3. Attached as Exhibit B is a true and correct copy of my June 9, 2017 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets” and “Defendants’

PFS List 2: Plaintiffs Who Have Not Responded to Defendants' Deficiency Notices" attached to same.

4. Attached as Exhibit C are true and correct copies of my deficiency letters, each dated January 20, 2017, sent to counsel for Plaintiffs Harkleroad, Hurst, Bryson, and Kaelin.

5. Attached as Exhibit D are true and correct copies of the Plaintiff Fact Sheets for Plaintiffs Harkleroad, Hurst, Bryson, and Kaelin.

6. Attached as Exhibit E is a true and correct copy of a March 10, 2017 email from Mary Young of Blackwell Burke, P.A. to the Court with "Defendants' PFS List 1: Overdue Plaintiff Fact Sheets" and "Defendants' PFS List 2: Plaintiffs Who Have Not Responded to Defendants' Deficiency Notices" attached to same.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 6th day of July, 2017.

s/ Benjamin W. Hulse
Benjamin W. Hulse